

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KAREEM ARMSTRONG,)
Plaintiff,) Civil Action No. 06 - 164
v.) Judge Gary L. Lancaster /
LOUIS S. FOLINO, *Superintendent*; CRAIG) Magistrate Judge Lisa Pupo Lenihan
HAYWOOD, *Security Lieutenant*, ODDO,)
MAHLMEISTER, CAPPZO, JOHN DOE 1,)
JOHN DOE 2, JOHN DOE 3, and RANIERI)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated on February 6, 2006 by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 27), filed on February 7, 2007, respectfully recommended that Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment (doc. no. 20) be granted. Plaintiff was served at SCI Forest and was advised that he was allowed ten (10) days from the date of service to file written objections. No objections were filed. On March 6, 2007, this Court granted Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment and adopted the Report and Recommendation as the opinion of the court (doc. no. 28).

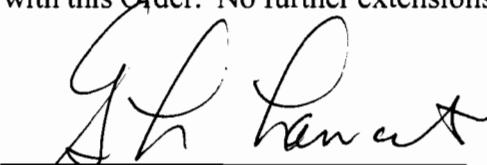
On March 7, 2007, Plaintiff filed a Motion for Extension of Time to File Objections

to the Magistrate's Report and Recommendation (doc. no. 29) complaining that the copy of the Report and Recommendation he received was partly illegible. On March 8, 2007, the Court mailed Plaintiff a clear copy of the Report and Recommendation. On March 12, 2007, the Court issued an Order granting Plaintiff's Motion for an extension of time until March 29, 2007 to file his objections. The order further advised Plaintiff that his failure to file objections would result in the Report being re-adopted. No objections were filed. On April 5, 2007, the Court re-adopted the Report and Recommendation and granted Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment (doc. no. 31).

On April 13, 2007, Plaintiff filed a Motion for Reconsideration complaining that he did not receive the Court's March 12, 2007 order until March 30, 2007, after the deadline for filing objections (doc. no. 33). Attached to his Motion is a copy of an envelope from my chambers that is stamped as received on March 30, 2007. Accordingly, the following Order is entered.

AND NOW, IT IS ORDERED that the Motion for Reconsideration is **GRANTED**.

Plaintiff shall have until May 15, 2007 to file objections to the Report and Recommendation (doc. no. 27) of Magistrate Judge Lenihan, dated February 7, 2007. A third copy of the Report and Recommendation will be sent to the Plaintiff with this Order. No further extensions will be given.



Gary L. Lancaster
United States District Judge

cc: Kareem Armstrong, FC-1437
P.O. Box 945
S.C.I. Forest
Marienville, PA 16239

4/20/07

Counsel of Record